



## Guinea

### Country Reports on Human Rights Practices - [2002](#)

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Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984 first as head of a military junta, and since 1994 as a civilian president. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest, widespread irregularities, and the arrest and detention of major opposition candidates during vote counting. In November 2001, a nationwide referendum, which some observers believe was flawed, amended the Constitution to permit the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The country's second legislative election, originally scheduled for 1999, was held June 30. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats, with an officially announced turnout of 72 per cent but a much lower actual participation rate. The nonviolent election was boycotted by two of the three major opposition parties. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police shared responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard were accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses; however, there were fewer reported abuses than in previous years.

Approximately 85 percent of the country's population of 7.6 million were engaged in subsistence agriculture. More than 80 percent of export earnings came from mining, particularly bauxite, gold, and diamonds. Economic growth lagged in recent years following a period of modest growth between 1996 and 1999, which was attributable in part to substantial assistance from international financial institutions and bilateral donors. Since 1999 government collaboration with donors has been complicated by additional defense spending, widespread corruption, particularly at the port and customs offices, and limited transparency in the Government, which has blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. There were three unlawful killings by security forces during the year, and there were no reports of disappearances. Civilian and military security forces beat and otherwise abused civilians. Members of the security forces committed abuses, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pretrial detention were problems. The Government maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press, although the private press criticized the Government freely. The Government restricted freedom of assembly and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, and reports of trafficking of women and children continued.

Unlike in the previous year, there were no reports of crossborder attacks by Revolutionary United Front (RUF) rebels from Sierra Leone and armed attackers from Liberia.

#### RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

In past years, security forces killed numerous persons, and there were reports of deaths in custody due to torture and abuse. There were three confirmed reports of security forces killing persons during the year. In July a military patrol shot a young man following a dispute; there were no reports of any arrests. In August a drunken gendarme shot and killed a young man in Conakry. The gendarme was arrested and jailed the following day, after the young man's family and neighbors protested. Gendarme officials also paid compensation to the family. In November army troops beat to death an individual in Kouroussa; there were no reports of any arrests.

There were no reports of student killings during the year. No action has been taken, nor is any likely to be, against the bodyguards of the prefect of Koundara who killed and injured students during the November 2001 protests.

Unlike in the previous year, there were no reported deaths in custody due to inhumane prison conditions and inadequate medical treatment (see Section 1.c.). No action was taken against prison officials who mistreated refugees in 2001. Guinean prisoners, acting on orders from prison officials, reportedly also killed a number of Sierra Leonean refugees in 2001.

No action was taken, nor is any likely to be, against the security forces in the following 2000 cases: The killing of six persons in Conakry in November and the case of a prisoner allegedly tortured to death. There was no investigation, nor is there likely to be, into the clashes between security forces, ruling party militants, and opposition party supporters during the 2000 municipal elections, which resulted in the deaths of eight persons and injuries to several others.

Between January and April 2001, the army crossed into northern Sierra Leone on a number of occasions in pursuit of RUF rebels and other attackers from Sierra Leone and Liberia. During these actions, security forces killed a number of civilians and destroyed numerous houses and other structures in RUF-occupied villages; however, no statistics were available. Since the May 2001 shelling of a group of RUF rebels at a disarmament site, which killed at least one civilian, there have been no reports of the Guinean military mounting crossborder operations into Sierra Leone or Liberia.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure. Following visits during 2001 to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGOs suggested that an intentional lack of maintenance and upkeep was destroying evidence of the camp's former use. During 2001 the Government did not permit survivors of Camp Boiro to receive funds intended to transform the camp into a memorial; the group did not apply for funds during the year.

There were no crossborder attacks by RUF rebels or other attackers from Sierra Leone and Liberia during the year and no action was taken against those responsible for attacks in previous years.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid. In August 2001, two criminals reportedly were killed; there were no reports of any punishment for those who killed criminals.

### b. Disappearance

Unlike in previous years, there were no reports of politically motivated disappearances. There also were no reports that refugees, Sierra Leonean citizens, or RUF rebels were abducted during the year.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks

(see Section 2.d.).

Human Rights Watch (HRW) reported that, during the screening of Liberian refugees entering the country during July and August, young male refugees were stripped and searched for tattoos, scarification, or other signs of connection with dissident Guinean or RUF forces. Some of these young men were reported to have been detained in local jails in the Yomou area for up to 1 week, and there were unconfirmed reports that some were beaten and tortured. In June 2001, an NGO reported that army troops amputated the limbs of their RUF prisoners; however, there were no witnesses to confirm these reports, which the Government denied.

There continued to be reports of sexual assaults on refugees (see Section 2.d.). HRW reported that over a period of 3 days in August, soldiers gang raped three or four refugee women in the town of Yomou. The soldiers subsequently were arrested and imprisoned by their commanding officer. There also were reports that refugees were beaten, stripped, and searched at roadblocks while in detention (see Section 1.d.).

The Organisation Guinienne de Defense des Droits de L'Homme et du Cityoyen (OGDH) reported that in the spring in the town of Mandiana, a gendarme acting on his own tortured a citizen to extract information about a rifle stolen from the gendarme. The gendarme was arrested and imprisoned.

No action was taken against trainees responsible for the November 2001 beating of students in Kissidougo or the security forces who in November and December 2001 forcibly dispersed demonstrations and beat students.

No action was taken, nor is any likely to be, in the following cases from 2000: Security forces who shot, beat, and raped civilians, and pillaged personal property during the June elections; the soldiers, police, and civilian militia groups who detained, beat, and raped refugees from Sierra Leone and Liberia in September; and the case of defendants in the Alpha Conde trial who reported that they were tortured, starved, and neglected during their detention.

Prison conditions were inhumane and life threatening. While officials provide a basic diet for prisoners, most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. Standards of sanitation remained poor, which have resulted in several dozen deaths due to malnutrition and disease in previous years; there were no confirmed reports of deaths during the year (see Section 1.a.). Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely were beaten and subjected to other forms of abuse at the prison in Koundara in the north.

The OGDH determined that prisoners in at least one major prison in N'Zerekore had suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N'Zerekore prison was a converted grain warehouse with no electricity or running water. Built in 1932 for 70 prisoners, it housed 120 in 2001. Although the Minister of Justice has criticized inhumane prison conditions during televised visits to prison facilities in 2001, no concrete action was taken to improve conditions by year's end.

There were credible reports from prisoners that female inmates were subject to harassment and sexual assault by guards. Men and women were housed separately, but juveniles generally were housed with adults. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. At times detainees remained in prison for up to 2 years without trial. Although the Government claimed that it did not have political prisoners, prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported that without this assistance, those who did not have families or friends would have starved to death.

The ICRC reported that it had been allowed regular access to all 33 official detention facilities in the country during the year due to a signed agreement with the Government. According to the ICRC, authorities were cooperative, and the ICRC has been encouraged by the response of the prison and security authorities to ICRC initiatives in improving prison facilities in Conakry and Kankan.

#### d. Arbitrary Arrest, Detention, or Exile

Security forces regularly used arbitrary arrest and detention, despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well.

The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction.

The Penal Code strictly forbids the detention of civilians at military camps; however, this provision largely was ignored.

There were no reports of politically motivated arrests prior to the June legislative elections; however, the OGDH reported that an undetermined number of opposition members were arrested in Dalaba on election day and later were released after paying a \$50 fine (100,000 FG francs).

In September police detained three Union of Republican Forces (UFR) officials at their headquarters on suspicion of conspiracy against the Government. The three officials were released after a search of the building.

Authorities arrested journalists (see Section 2.a.).

Security forces frequently detained persons at roadblocks and extorted money from them (see Section 2.d.). The army and the Gendarmerie continued to detain refugees during the year. In September the U.N. High Commission for Refugees (UNHCR) reported that 89 of the total refugee population of 180,000 were in detention throughout the country. In June 2001, authorities arrested 52 persons reportedly after refugees in the Telikoro camp attacked a group of gendarmes inside the camp. The protection office of the UNHCR reported that 33 persons remained in custody in the Kissidougou prison after being tried and convicted on a variety of charges. HRW confirmed that refugees died during the year while in detention because of poor prison conditions and abuse (see Sections 1.a., 1.c., and 2.d.).

There was no further information, nor is there likely to be, on the following incidents from 2000: The whereabouts of 3 of 5 refugees detained at the Guekedou refugee camp and the detention by the police of approximately 30 students who were protesting poor conditions in schools.

Bar Association attorneys, the independent press, and government sources described in past years a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). Unlike in previous years, there were no reports of specific incidents involving a parallel justice system. In previous years, a variety of witnesses, including former prisoners and those accused in the coup-plotting trial of Alpha Conde, had reported that the Government imprisoned for political reasons persons considered a threat to state security at the Kassa prison, allegedly located on an island off Conakry. The Government denied the existence of the Kassa Island prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and were housed in other prisons. There have been no new reports of the existence of the Kassa facility since 2000.

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families. There were credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces in 2001 and 2000 (see Section 1.a.).

#### e. Denial of Fair Public Trial

The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. Influential persons often intervened on behalf of their relatives to affect the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees; however, the Council still had not prosecuted any cases by year's end.

The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government was responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. In 2000 the Minister of Justice introduced a system for tracking cases of pretrial detainees to follow up on those that did not reach the courts in a timely manner; however, a lack of information technology and training rendered the system ineffective. No improvements were made to this system during the year.

In January the Minister of Justice attempted to dissolve the Bar Association and arrest its president for not following the Ministry's recommendations. Negative publicity and pressure from President Conte forced the Minister to reverse his position.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence. In 2000 the State Security Court tried presidential candidate Alpha Conde and his codefendants.

Alpha Conde was arrested with three others in 1998 and charged with the following: Illegal use of military force; undermining the authority of the state and the integrity of the national territory; use of violence against a state security officer; wrongful possession and transfer of foreign currency; and an illegal attempt to cross the border. In September 2000, Conde was found guilty and was sentenced to 5 years in prison in a flawed trial. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served. In May 2001, President Conte pardoned Conde. Conte previously was reported to have restored all of Conde's political and civil rights; however, Conde's right to vote and run for political office in the country have not been restored.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems was vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carries less weight, in accordance with Islamic precepts and customary law (see Section 5).

There were no claims during the year that the Government held political prisoners. According to the Rally of the Guinean People party (RPG), approximately 20 party members were detained during 2001 by the prefecture authorities in Beyla, Kerouane, and Macenta on unspecified charges. All 20 were released in 2001.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods.

Security officials were believed widely to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

During the year, authorities relocated thousands of refugees from border areas to camps in the country's interior; the relocation was voluntary (see Section 2.d.).

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricted these rights. The Government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the President; incited violence, discrimination, or hatred; or disturbed the public peace. Sanctions included fines, revocation of press cards, imprisonment, and banishment.

In December a journalist was arrested and tried in Conakry for the defamation of a public official. The journalist was sentenced to 1-year imprisonment but subsequently was pardoned by President Conte.

In July 2001, police in Conakry closed the offices of the UFR, whose leader vocally opposed the Government's campaign to extend the President's term in office. The office reopened during 2001 and the UFR continued to function as an opponent of the administration.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio (ORTG) stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP used the state-owned media to campaign for constitutional changes to allow a third term for President Conte (see Section 3). Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues. However, some younger broadcast journalists for the official press reported critically about the Government.

There was a vocal private press that criticized the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *Le Democrat*, *L'Independant*, *La Nouvelle Tribune*, and *L'Observateur*) were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. *Le Lynx* and *La Lance*, under the same management, had Internet web sites. One newspaper, *L'Espoir*, was affiliated with the governing political party, and several other newspapers were affiliated with opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. However, because the literacy rate was only approximately 35 percent of the total population and the price of newspapers was beyond the reach of the average citizen, print media had a limited audience. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists.

In December the Government suspended three newspapers--*Croisade*, *Diplomate*, and *Defi*--for unspecified reasons.

The government-controlled press promoted ruling party candidates during the June legislative elections. Opposition parties were allowed 5 minutes on government television and radio per party per night during the final month leading up to the election.

Political tracts occasionally circulated in Conakry and other urban areas. Some tracts supported the Government, while others specifically criticized senior officials. Foreign publications, some of which criticized the Government, often were available.

In July an army officer detained the editor of the newspaper *L'Aurore* and then released him the following day.

The trial of the journalist arrested in July 2000 for publishing an article about the electric company *Sogel* still was pending at year's end, although he had been released.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government never has approved license requests for private radio and television stations, on the grounds of national security and stability. Many citizens listened regularly to foreign-origin shortwave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; although relatively few citizens could afford these services.

The Government did not restrict access to the Internet. At year's end, there were four domestic service providers, three private and one affiliated with SOTELGUI, the joint venture telephone company (owned by the Government and a Malaysian telecommunications firm), which held a monopoly on international telephone lines. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable

telephone lines restricted home access, even for the few who could afford it.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers were not subject to classroom censorship.

Police broke up student protests in Dubreka, Fria, Boke, Kamsar, Kindia, and Kankan during the year. In all of these cases, students had been protesting for better classroom conditions.

#### b. Freedom of Peaceful Assembly and Association

The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The Government requires 72-hour advance notification of public gatherings, otherwise the events are considered illegal.

The Government banned all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believed that it posed a threat to public order. They could hold event organizers criminally liable if violence or destruction of property ensued. In December 2000, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, NGOs, groups, cooperatives, and political parties. Police and gendarmes dispersed several unauthorized demonstrations during the year, including several student protests and protests against price increases in Kamsar and Conakry (see Section 2.a.).

No action was taken against security forces who forcibly dispersed demonstrators in 2001.

No action was taken against security forces who killed six persons, including a university professor, who were meeting to plan a demonstration against the Government's policy in the forest region in late 2000.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

#### c. Freedom of Religion

The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respected these rights in practice.

The government-sponsored National Islamic League (NIL) represented the country's Sunni Muslim majority, which comprised 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax exemptions and energy subsidies. Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

Government support of the powerful, semi-official NIL led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion see the 20002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Police and security forces frequently detained persons, particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic. Unlike in the previous year, the Government did not require armed escorts in the forest region due to the presence of Liberian dissidents in the border area.

The border with Liberia remained closed officially during the year; however, the Government continued to accept refugees. HRW reported that at some border crossings security forces were turning away young Liberian men who were suspected of being combatants in the conflict in northern Liberia. There also were confirmed reports that government soldiers at some border crossing points were cooperating with the Liberian dissident movement Liberians United for Reconciliation and Democracy (LURD) to screen refugees for forced recruitment (see Section 1.f.).

The border with Sierra Leone remained officially closed during the year. Local commercial and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of UNHCR.

According to the Government, as of early in the year, there were 82,000 internally displaced persons (IDPs) remaining in the country as a result of the 2000 and 2001 border attacks by RUF rebels from Sierra Leone and by Liberian forces.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of September more than 150,000 Liberian and Sierra Leonean refugees resided in the country. Of these refugees, 92,546 (50,895 Liberians and 41,641 Sierra Leoneans) were under UNHCR protection in camps, with the remainder living in Conakry or villages and towns in the forest region. As of July 17, 56,390 Sierra Leoneans had repatriated voluntarily since 2001.

Operations to move Liberian refugees away from the border began in August 2001 but were halted in July due to increasing arrivals of new Liberian refugees.

In the past, the Government generally was hospitable toward refugees; however, as crossborder raids by RUF rebels from Sierra Leone and by Liberian forces intensified in 2000 and 2001, the Government increasingly became less tolerant toward refugees. Unlike in the previous year, there were neither border crossings by the army into northern Sierra Leone nor by RUF rebels from Sierra Leone and Liberian forces into the country during the year.

There were some reports that refugees were forced to pay bribes to get past many of the checkpoints. Security forces continued to arrest suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos and other marks identifying rebels, searched and stripped refugees in public during the year (see Sections 1.c. and 1.d.).

While allegations surfaced during the year that U.N. employees sexually abused or exploited refugees, a subsequent investigation failed to corroborate any of the charges from the initial report. Nonetheless, U.N. officials reportedly took steps to increase security for refugees in the country.

There were reports from NGOs and UNHCR that the LURD forcibly recruited refugees at camps in Guinea. For example, on August 26, members of LURD entered Kouankan refugee camp and attempted to recruit 10 refugees to return to Liberia to fight against the Liberian Government. The LURD members eventually returned to Liberia with two refugees who they claimed were former combatants. Government authorities made no attempt to deny LURD combatants access to the Kouanka refugee camp.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The 1990 Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government's tight control of the electoral process and lack of an independent electoral oversight mechanism called into serious doubt the ability of citizens to change

their government peacefully.

From June through November 2001, the Government and ruling party campaigned to amend the Constitution's mandated limit of two 5-year presidential terms. This campaign included the use of government-controlled media and official events in order to create the impression that there was widespread popular support for the amendment. In November 2001, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, impartial observers stated that turnout appeared to be no more than 25 percent.

The Government continued to dominate the electoral process. The Government continued to refuse to establish an independent national election commission. The Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled both the 1993 and the 1998 multiparty presidential elections and the multiparty legislative elections in 1995 and June, limiting the opposition to a subordinate role. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly elected in June.

According to the Government's tabulation of results, President Conte was elected in 1998 to a second 5-year term, receiving 56 percent of the 2.7 million votes cast. The election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

Opposition party officials charged that security forces arrested and detained more than 100 opposition pollwatchers on election day, manipulated voting procedures in some areas, and overlooked irregularities in voter registration and in ballot-counting procedures. Members of the armed forces were required to vote on the military installations to which they were posted and were subject to strong pressures to vote for President Conte.

Observers from various organizations, affiliated chiefly with developing countries, issued a statement that found no fault with the casting of ballots on election day; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and that did not address registration, campaigning, and the counting of votes.

Legislative elections originally scheduled for 1999 were rescheduled for December 2001; however, they were postponed again due to logistical and timing problems and pressure from the international community. Members of the National Assembly met in April 2001 and conducted normal business; however, some observers have questioned the legality of the session as the members' terms expired in 2000. In June legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central Government.

There were 19 female deputies in the 114-member National Assembly elected on June 30. Three women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; and the Minister of Social Affairs and Promotion of Women. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women played a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were a number of local NGOs primarily interested in human rights problems. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or engage in civil education. Various government officials blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. Following a series of crossborder raids by rebels in

2001 and 2000, several NGOs suspended activities due to insecurity and instability in the border region. NGOs resumed operation in the forest region during the year, although most took extra precautions due to the ongoing conflict across the borders in both Liberia and Cote d'Ivoire.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, has conducted more than 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements. Seminars were conducted by military and civilian trainers from the ICRC during the year under the auspices of this human rights office.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

##### Women

Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. The social stigma attached to rape prevented most victims from reporting it. Marital rape goes unreported, because most women and men view it as the husband's right. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions. FGM was performed on girls and women between the ages of 4 and 70, but exact figures on this procedure were difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of women and girls subjected to FGM. CPTAFE estimated the figure to be between 65 and 75 percent; however, expert estimates varied between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks associated with the practice. However, infibulation, the most dangerous form of FGM, still was performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection since unsterilized instruments were shared among participants.

The Government made efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. In 1997 the Government, in collaboration with the World Health Organization, initiated a 20-year program to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who performed FGM opposed its eradication since the practice was lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favored male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets.

Legal evidence given by women carried less weight than testimony by men (see Section 1.e.). The Government affirmed the principle of equal pay for equal work; however, in practice women received lower pay than men.

Children

The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. A Minister of Youth was charged by the President with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, was established in 2000.

The Government provided free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws mandating school attendance. Approximately 51 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

FGM was performed commonly on girls (see Section 5, Women).

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, promoted an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

#### Persons with Disabilities

The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities worked, although some developed opportunities in the informal sector in small family-run businesses.

#### National/Racial/Ethnic Minorities

The country's population was ethnically and regionally diverse. No single ethnic group constituted a majority nationwide. The largest ethnic groups were the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group spoke a distinct primary language and was concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification was strong. Mutual suspicion affected relations across ethnic lines, in and out of the Government. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base was the Puhlar, while the RPG's main base was the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region have been major sources of political tensions that sometimes have erupted into violence.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. The Government generally respected this right in practice. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members

of the government union. The rest were engaged in private, mixed, and informal sectors. The largest independent union, Union of Workers of Guinea (USTG), claimed 64,000 members, 18,000 of which were women. The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There were several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remained the largest confederation. CNTG was an umbrella organization for 16 individual unions of government employees, each of which was affiliated with a government ministry. The CNTG was funded indirectly by the Government, although dissident members sought to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea.

The Code also prohibits antiunion discrimination. Union delegates represented individual and collective claims and grievances with management. However, at regional and prefecture levels, unionized labor faced strong opposition from government officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers, and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of CNTG representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

Unions affiliated freely with international labor groups such as the ILO.

#### b. The Right to Organize and Bargain Collectively

Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which includes hospitals, radio and television, army, police, communications, and transport services.

Strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. In September 2001, the Government did not interfere with a weeklong strike called by the Bar Association protesting the threatened arrest of one of its members. The strike ended following negotiations with government officials. In January the Independent Union of Guinean Teachers and Researchers and the Federation of Professional Educators called a strike, which was settled peacefully after the Government agreed to meet most of the unions' demands.

There were no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Labor Code specifically forbids forced or bonded labor, including by children; however, there were reports that it occurred (see Section 6.f.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 to \$150 (36,400 to 218,400 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years imprisonment and a fine of approximately \$25 to \$250 (36,400 to 364,000 GF francs).

The Government did not enforce these provisions of the law in practice.

#### d. Status of Child Labor Practices and Minimum Age for Employment

According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 were not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy. Overall approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were found mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14 engaged in prostitution (see Section 6.f.).

The Government has spoken out against child labor, but lacked the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care; they suffered from chronic malnutrition, traumatic stress, and depression.

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board (see Section 6.f.).

The Government signed and ratified the ILO Convention 182 during the year. The worst forms of child labor were found in the artisanal mining sector where children hauled granite and sand for little or no money.

There were reports that forced and bonded child labor occurred (see Section 6.f.).

#### e. Acceptable Conditions of Work

The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also were provisions in the code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work not to exceed 10-hour days or 48-hour weeks, and a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforced these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs was responsible for enforcing labor standards, and its inspectors were empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic. Labor inspectors acknowledged that they could not cover even Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless, many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested poor working conditions without result. There were no reports of such protests during the year.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

#### f. Trafficking in Persons

The law prohibits trafficking in persons and carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGOs in the past reported that

women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem (see Section 6.c.). Accurate statistics are difficult to obtain, because victims do not report the crime for fear for their personal safety.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in antitrafficking efforts.

In February 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter and clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

There were no specific reports of trafficking in persons in the country this year. In July 2001, authorities arrested 51 Nigerians in Conakry for trafficking in persons. The authorities released 33 young girls, who were destined for Europe, to the Nigerian Embassy. The remaining 17 were adult males extradited back to Nigeria to be prosecuted for trafficking in persons.

Prostitution existed in the informal economic sector and employed girls as young as 14 years of age. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.